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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RUSSELL FRAZIER, No. C-09-3995 TEH (PR)  
Plaintiff,  
v. ORDER OF DISMISSAL  
ALAMEDA COUNTY JAIL, et. al.,  
Respondent(s).

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This civil rights action by a prisoner was filed on August 28, 2009. Doc. #1. The Court notified Plaintiff in writing at that time that the action was deficient because he did not pay the requisite \$ 350.00 filing fee or, instead, submit a signed and completed court-approved in forma pauperis application, including a completed certificate of funds in his prison trust account and a copy of his prison trust account statement for the last six months. See 28 U.S.C. § 1915(a)(2). Plaintiff was advised that failure to file the requested items within thirty days would result in dismissal of the action. Doc. #3.

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1           On September 22, 2009, and again on October 13, 2009, the  
2 mail sent to Plaintiff by the Court was returned as undeliverable.  
3 Doc. ## 4 & 5. More than three months have elapsed since Plaintiff  
4 was sent notice of his filing deficiency. Plaintiff has not  
5 provided the Court with the requisite items, or sought an extension  
6 of time to do so. Further, Plaintiff has failed to provide the  
7 Court with a current mailing address.

8           Because more than sixty days have passed since the Court's  
9 mail to Plaintiff was returned, the action is DISMISSED without  
10 prejudice pursuant to Civil Local Rule 3-11(b).

11           The Clerk shall terminate all pending motions as moot and  
12 close the file.

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14           IT IS SO ORDERED.

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16 DATED 12/02/09

  
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18           THELTON E. HENDERSON  
19           United States District Judge

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